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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,553	03/14/2001	Nikhil Jhingan	1870-01400 JMH	3915

23505 7590 10/19/2004

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EXAMINER

ZHONG, CHAD

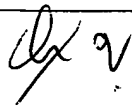
ART UNIT

PAPER NUMBER

2152

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/808,553	Applicant(s) JHINGAN ET AL. 	
	Examiner Chad Zhong	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 10/04/2004. This action has been made final.

claims 21-36 are presented for examination. In amendment A, filed on 10/04/2004

claims 1-20 are cancelled.

claims 21-36 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heddaya et al. (hereinafter Heddaya), US 6,622,157, in view of Applicant Admitted Prior Art (hereinafter AAPA).

4. As per claim 21, Heddaya teaches a method for service in a client-server computer network, the method comprising the steps of:

user sending, from a first computer, a request to store user-specific data to a first server in the network (Claim 7; Col. 4, lines 15-23);

determining, based on a location of the first computer in the network, a second server in the network for performing the service (Col. 11, lines 60-67);

redirecting the request to the second server for performing the service at the second server (Col. 4, lines 15-23); and

automatically redirecting subsequent requests relating to the user-specific data from the first

computer to the second server (Col. 4, lines 23-25).

5. Heddaya does not explicitly teach a service for storing information from a user.

6. AAPA disclosed (pg 1, lines 23-25; pg 2, lines 3-7) that it was known at the time of the invention to provide storage service over the Internet. Therefore it would have been obvious to include storage as part of the service operations.

7. As per claim 22, Heddaya teaches the method as claimed in claim 21, wherein the first server comprises an application server element and a determination server element and the method comprises the user sending, from the first computer, the request to store user-specific data to the application server element, and redirecting the request to the determination server element for determining, based on the location of the first computer in the network, the second server in the network for storing the user-specific data (Col. 11, lines 45-67; Col. 12, lines 45-67).

8. As per claim 23, Heddaya teaches the method as claimed in claim 22, wherein the application server element and the determination server element are located on different computers in the network (Fig 4).

9. As per claim 24, Heddaya teaches the method as claimed in claim 21, further comprising the user or another user sending, from a second computer, a request relating to the user-specific data to the first server; and redirecting the request to the second server (Fig 1).

10. As per claim 25, Heddaya teaches the method as claimed in claim 24, further comprising the steps of replicating at least a portion of the user-specific data on a third server selected based on a location of the second computer on the network, and redirecting requests relating to the user-specific content from the second computer to the third server (Col. 10, lines 10-30).

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11. As per claims 29-33, claims 29-33 are rejected for the same reasons as rejection to claims 21-25 above respectively.

12. Claims 26-28 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heddaya et al. (hereinafter Heddaya), US 6,622,157, in view of Kenner et al. (hereinafter Kenner), US 6,112,239.

13. As per claim 26, Heddaya does not explicitly teach the method as claimed in claim 21, wherein the step of determining, based on a location of the first computer in the network, the second server in the network for storing the user-specific data comprises measuring respective response times between the first computer and each of a plurality of candidate servers.

14. Kenner teaches the above claim in the sample sections of Col. 5, lines 37-49; Col. 13, lines 35-45; Col. 10, lines 10-45.

15. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Heddaya and Kenner because they both dealing with server provided services in a computer network. Furthermore, the teaching of Kenner to allow wherein the step of determining, based on a location of the first computer in the network, the second server in the network for storing the user-specific data comprises measuring respective response times between the first computer and each of a plurality of candidate servers would improve the ability to measure ideal candidates for service provisioning by measure response times. Furthermore, Heddaya mentions the selection is based on optimization parameter, and this would be a measure of such.

16. As per claim 27, Heddaya does not explicitly teaches the method as claimed in claim 26, wherein the one of the candidate servers having the shortest response time is determined as the second server

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17. Kenner teaches the above sections in sample section of Col. 8, lines 43-63. The motivation to combine is same as claim 26 above.

18. As per claim 28, Heddaya does not explicitly teach the method as claimed in claim 21, wherein transactions between the first computer and the second server are conducted in an encrypted manner.

19. Kenner teaches the above sections in the sample sections of Col. 21, lines 29-35.

20. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Heddaya and Kenner because they both dealing with server provided services in a computer network. Furthermore, the teaching of Kenner to allow wherein transactions between the first computer and the second server are conducted in an encrypted manner would improve the security for Heddaya's system by using strong encryption while transmitting the messages in between the network.

21. As per claims 34-36, claims 34-36 are rejected for the same reasons as rejection to claims 26-28 above respectively.

Conclusion

22. Applicant's remarks filed 10/04/04 have been considered but are found not persuasive.

23. In the remark, the applicant argued in substance that Kenner fails to disclose or suggest processing a request to store user specific data to a first server, and determining a suitable second server for storing the user specific data based on location of the computer from which the user sent the request to store the user-specific data.

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In response to applicant's amendment, Kenner teaches the above sections.

Referring to sample section of Col. 16, lines 49-67, Kenner discloses sending of user information in the form of IP addresses to the first server (MSP/redirection server), the determination of optimum delivery server, and the rerouting that takes place afterwards are basis of IP communication, the IP addresses of the client nodes are inherently passed onto the delivery server for storage for the later return destination reference in the event of data transfer.

Thus Kenner teaches the above section.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to "A Global Storage System".

- | | | |
|-----|------------|-----------------|
| i. | US 6108703 | Leighton et al. |
| ii. | US 5774668 | Choquier et al. |

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
October 5, 2004



Dung C. Dinh
Primary Examiner